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CISCO SYSTEMS, INC. and
THE MARINE INSURANCE COMPANY, LIMITED



IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

YAN EBYAM,

Defendant.

CASE NO. CR-04 20155 JW/RS

**STIPULATION AND [PROPOSED] ORDER
CONTINUING BRIEFING SCHEDULE AND
OSC HEARING ON PETITION OF CISCO
SYSTEMS, INC. AND THE MARINE
INSURANCE COMPANY, LIMITED
PENDING SENTENCING OF YAN EBYAM**

Judge: The Honorable James Ware

1 WHEREAS, on January 28, 2005 the Court issued a Preliminary Order of Forfeiture
 2 ordering Defendant Yan Ebyam forfeit to the United States all of his right, title and interest in
 3 certain property pursuant to 18 U.S.C. § 982(a)(1); and

4 WHEREAS, Petitioners Cisco Systems, Inc. and The Marine Insurance Company, Limited
 5 ("Petitioners") filed a timely Petition for Ancillary Hearing Pursuant to 21 U.S.C. § 853(n)
 6 asserting claims to the forfeited property; and

7 WHEREAS the Court, pursuant a Stipulation between the parties, ordered the United
 8 States to file a response to the Petition no later than June 20, 2005 and ordered the parties to
 9 appear on June 27, 2005 to show cause as to why the 21 U.S.C. § 853(n) hearing should not be
 10 conducted; and

11 WHEREAS, Defendant Yan Ebyam's sentencing in this matter was continued from
 12 April 25, 2005 to June 20, 2005, at which time the Court will determine the amount of restitution
 13 that defendant Yan Ebyam will be ordered to pay to the victims of his crimes; and

14 WHEREAS, the United States and Petitioners agree that it is consistent with the interests
 15 of justice that further briefing concerning the Petition and the hearing on the Petition should not
 16 occur until after the Court determines the amount of restitution that defendant Ebyam should be
 17 ordered to pay.

18 NOW THEREFORE, it is hereby Stipulated by and between the United States and
 19 Petitioners that:

- 20 1. The United States shall file its response to the Petition no later than August 29,
 21 2005;
- 22 2. The parties shall appear on September 12, 2005 at 1:30 p.m. to show cause, if any,
 23 as to why the 21 U.S.C. § 853(n) hearing should not be conducted; and

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1 3. Petitioners and the United States shall file a statement setting forth the amount of
2 time required for presentation of evidence and witnesses prior to the September 12,
3 2005 hearing.

5 DATED: May 24, 2005

SIDEMAN & BANCROFT LLP

7 By: /s/Jeffrey C. Hallam

Jeffrey C. Hallam

8 Attorneys for Petitioner CISCO SYSTEMS, INC.
9 and THE MARINE INSURANCE COMPANY,
10 LIMITED

11 DATED: May 24, 2005

UNITED STATES OF AMERICA

13 By: /s/Stephanie Hinds

Stephanie Hinds

14 Attorneys for Plaintiff

16 **IT IS SO ORDERED.**

18 DATED: 6/3/05

/s/ James Ware

THE HONORABLE JAMES WARE

Judge of the United States District Court

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PROOF OF SERVICE**STATE OF CALIFORNIA, COUNTY OF SAN FRANCISCO**

I am employed in the county of aforesaid; I am over the age of eighteen years and not a party to the within entitled action; my business address is One Embarcadero Center, Eighth Floor, San Francisco, California 94111.

On May 24, 2005, I served the following documents(s) described as **STIPULATION AND [PROPOSED] ORDER CONTINUING BRIEFING SCHEDULE AND OSC HEARING ON PETITION OF CISCO SYSTEMS, INC. AND THE MARINE INSURANCE COMPANY, LIMITED PENDING SENTENCING OF YAN EBYAM** on the interested party(ies) in this action by placing true copies thereof enclosed in sealed envelopes and/or packages addressed as follows:

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☒ **BY MAIL:** I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. postal service on that same day with postage thereon fully prepaid at San Francisco, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☒ **FEDERAL:** I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on May 24, 2005, at San Francisco, California.


Susie M. Arzave

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